

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Joseph Zalewski

Docket Number: 08-00463-001
PACTS Number: 49036

Name of Sentencing Judicial Officer: Honorable Dennis M. Cavanaugh, United States District Judge

Date of Original Sentence: 11/24/2008

Original Offense: Conspiracy to Commit Theft of Government Funds, 18 U.S.C. § 371 and 641

Original Sentence: 5 years probation, 4 months home confinement, drug testing/treatment, financial disclosure, no new credit, DNA testing, \$100 special assessment, \$24,839 restitution.

Type of Supervision: Probation

Date Supervision Commenced: 11/24/08

Assistant U.S. Attorney: Ronnell Wilson, 970 Broad Street, Room 502 Newark, New Jersey 07102 (973) 645-2700

Defense Attorney: Peter Carter, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime during the term of supervision.'

On November 1, 2010, Joseph Zalewski was arrested by the Harding Township Police Department and charged with Possession of CDS (cocaine), Possession of CDS (heroin), Possession of CDS (oxycodone), Possession of Drug Paraphernalia, and Loitering for the Purpose of Engaging in Prostitution. These charges are currently pending in Morris County Superior Court with a hearing scheduled for December 7, 2010.

The Harding Police Department alleges that Zalewski, along with Kim Gianino, who was also charged, engaged in conversation with and offered oral sex to truck drivers at the Route 287 rest area in Harding Township, New Jersey. A search of their vehicle revealed narcotics and paraphernalia.

2

The offender has violated the standard supervision condition which states 'You

shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so.'

Joseph Zalewski was arrested on November 1, 2010 with Kim Gianino who has a previous felony conviction for narcotics possession and numerous misdemeanor convictions for possession of drug paraphernalia. In addition, Joseph Zalewski admitted to Probation that he was with Ms. Gianino on November 1, 2010 for the purpose of obtaining illegal narcotics and that he was aware she had previous convictions.

3

The offender has violated the standard supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

Specifically, on June 30, 2010 and August 16, 2010, urine samples provided by Joseph Zalewski tested positive for cocaine. He was tested at Saint Clare's Hospital Behavioral Department and the positive results were confirmed by Saint Clare's clinical laboratories.

4

The offender has violated the special supervision condition which states '**The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant shall submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

On March 4, 2010, Joseph Zalewski admitted to Probation that he consumed alcohol on February 15, 2010 prior to being involved in a domestic altercation with his girlfriend, Deseree Tempeny.

On July 22, 2010, Joseph Zalewski submitted to a breathalyzer test at the U.S. Probation Office, which yielded a .01% blood alcohol content. On July 29, 2010, Joseph Zalewski admitted to Probation that he had consumed a bottle of Nyquil early in the morning on July 22, 2010.

5

The offender has violated the special supervision condition which states, '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

Joseph Zalewski failed to report for Code-A-Phone testing on the following dates: May 7, 2010; June 11, 2010; June 16, 2010; June 18, 2010; July 8, 2010; July 13, 2010; August 10, 2010; August 18, 2010; and October 12, 2010.

Joseph Zalewski missed substance abuse treatment sessions at Saint Clare's Hospital on June 23, 2010 and July 22, 2010.

6

The offender has violated the special supervision condition which states 'The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.'

Joseph Zalewski missed counseling sessions at The Human Growth Center on May 20, 2010, June 10, 2010, and June 24, 2010.

7

The offender has violated the standard supervision condition which states 'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'

Joseph Zalewski failed to report contact with the Parsippany-Troy Hills Police Department following his arrest for criminal mischief on February 15, 2010. The criminal mischief charge has since been dismissed.

Joseph Zalewski failed to report contact with the Lincoln Park Police Department after he was questioned on June 21, 2010 by Patrolman John Clements. Officer Clements questioned the offender after he had received a complaint regarding a suspicious man walking around in peculiar clothing.

8

The offender has violated the special supervision condition which states 'You shall make restitution to the United Postal Service in the amount of \$24,839.00. The restitution is due immediately and shall be paid in monthly installments of no less than \$50.00, to commence 30 days from the date of this judgment.'

Joseph Zalewski has paid a total of \$40.00 towards his restitution since the commencement of supervision. His restitution balance is \$24,799.00.

I declare under penalty of perjury that the foregoing is true and correct.


By: Dana Hafner
U.S. Probation Officer
Date: 11/8/10

THE COURT ORDERS:

The Issuance of a Warrant

The Issuance of a Summons. Date of Hearing: 31 JAN. 2011 @ 10 AM

No Action

Other


Signature of Judicial Officer
Dennis M. Cavanaugh, Judge
U.S. District Court

20 JANUARY 2011
Date